

**WILLIAMSBURG CITY COUNCIL  
WORK SESSION MINUTES  
February 10, 2003**

The Williamsburg City Council held a work session on February 10, 2003 at 2:00 p.m. in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Nester, Serra, Weiler, Clayton, and Assistant City Manager Jodi Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**OPEN FORUM**

Mayor Zeidler opened the session for public comment.

**Mr. David Kranbuehl, 201 Harrison Avenue**, thanked Council and complimented city staff, particularly Chief Yost and Carolyn Murphy, for their efforts to protect residential neighborhoods. He addressed Council regarding the decay in the quality of city neighborhoods. His neighborhood has more student rentals. Parking is out of control, trash and debris is all over, drunks roam the area, and there is noise and parties. Something must be done. If we lose residential ambiance, it will affect other areas downtown. He suggested stiffer ordinances, enforcement, and the establishment of groups who want controls. There is a need to return homes to homeowners. He asked Council to please make this issue a high priority.

Mayor Zeidler thanked Mr. Kranbuehl. Council is very concerned about this issue. The Housing Authority is working on a program and the city is making an effort to make these rental homes safe places to live.

Mr. Houghland stated that Mr. Kranbuehl's presentation was thoughtful and he agreed Council needed a forum. Mr. Haulman stated the college is cooperating. There is a website for information for renters, landlords, and neighbors. There is no simple solution. It will take everyone working together. Keeping neighborhoods vital is critical to keeping our city what it is.

Mayor Zeidler noted that the bill before the General Assembly threatens the city's new rental registration program. On Wednesday, February 12, she will go to Richmond to request that the city not be disallowed to run an effective rental program.

No one else wished to speak. The session was closed.

## **BACKGROUND PRESENTATIONS/DISCUSSIONS**

### **Presentation on Stormwater Management Regulations and Regional Cooperation--John Carlock, Peninsula Planning District Commission (See Report on February 13 Council Agenda)**

Council members received a copy of Mr. Carlock's presentation materials in their Council packets. Mr. Tuttle introduced Mr. John Carlock, Deputy Executive Director, Hampton Roads Planning District Commission (HRPDC).

Mr. Carlock began his presentation by providing background information on the Chesapeake Bay Program that was begun to address impaired waters and declining resources in the Bay. He spoke of the Chesapeake Bay Agreement 2000 which identified five goal categories, and which also included current local programs. Mr. Carlock reviewed the Regional Program History. Addressing the Regional Stormwater Management Program Goals, he reviewed the program components, legal requirements, what is included in each phase, the benefits of the program, and control measures. Mr. Carlock said the Memorandum of Agreement (MOA) for the Regional Stormwater Management Program between the city and HRPDC, which Council will consider at Thursday's meeting, was developed to assist our sixteen localities in the performance of the work required by the Virginia Pollutant Discharge Elimination System Phase II permit.

Council members and Mr. Carlock discussed the present somewhat improved condition of the Bay, the need for environmental controls, and Best Management Practices program for the management of stormwater runoff. Mr. Carlock noted that during a drought, the Bay improves because there is no runoff.

Mr. Clayton commented regarding the MOA, and said that all localities have the same goals and requirements for stormwater management, and that if a consultant is needed to comply with the requirements of the program, one will be obtained to help all Hampton Roads localities. The city will be required to take additional stormwater management measures and track the information to be reported to the state.

Council members will hear from Steve Martin, City Engineer, at Thursday's meeting. Council concurred that this is an important program to protect the Chesapeake Bay and that the city must do its part.

### **Presentation on Peninsula Light Rail Alternative Analysis—Michael Townes, Executive Director, HR Transit**

Reference for this item was Mr. Tuttle's memorandum dated February 6, 2003, and Resolution #03-02. Also included was a copy of Hampton Roads Transit presentation information.

Mr. Michael Townes said he would report about a milestone for rail transit services on the Peninsula. He introduced Ms. Jane Whitley and Mr. Ken Mole, also with HRT.

Mr. Mole provided background information about the Locally Preferred Alternative Recommendation. He reviewed the CSX Major Investment Study and the evaluation factors used to screen the ten initial alternatives, which were then reduced to five alternatives. A comparative analysis was done of the five alternatives, as well as the additional alternatives that were requested to be considered. Some of the factors were available right-of-way, traffic

impacts, ridership and distance, and the major activity centers that would be served. He noted it is being considered to use a diesel-powered rail car. The Locally Preferred Alternative Recommendation was Light Rail between Williamsburg and Downtown Newport News including: alignment generally along the CSX Railroad right of way, the southeast sector of Newport News, and connecting corridor generally along Hampton Roads Center Parkway to Downtown Hampton. The Preferred Alternative has been recommended for approval by the affected localities. Mr. Townes summarized by saying that HRT is in the environmental assessment phase. Every impact will be identified and cataloged, as well as mitigation and cost. The next steps will be adoption of the Preferred Alternative by the localities, HRT, and the MPO, and to look at the details for phasing of construction and financing. The Federal Transit Administration will review each step.

Council members briefly discussed the proposal. Mr. Houghland commented that he was very concerned about the affect on high-speed rail and questioned some of the details of the proposal, such as bridges over railroads, and how the train will turn around. He was pleased to hear that a DMU was being considered. Mr. Townes said the details will be studied in the next phase.

Mayor Zeidler thanked HRT representatives for their detailed report.

Council will consider Proposed Resolution #03-02 at the February 13 meeting that supports the Locally Preferred Alternative for Light Rail on the Peninsula, and supports both Light Rail and High Speed Rail.

### **Discussion of Various Potential Municipal Revenue Sources**

Reference for this item is Mr. Tuttle's report dated February 6, 2003.

#### **Cigarette Tax—Finance Director Phil Serra**

Mr. Serra provided Council with information about the possibility of imposing a local tax on cigarettes, as allowed by State Code. The Commissioner of Revenue Judy Fuqua and he investigated cigarette sales in the city. In 2001, 850,000 packs were sold, and at just 1¢ per pack the generated revenue would be \$8,500 annually. Mr. Serra reviewed other localities in our geographic area that tax cigarettes and the revenues generated (see attached), and noted that Poquoson adopted a 1¢ tax last year. The cigarette tax is a local tax and no revenue must be sent to the State.

#### **Telecommunication Taxes—Finance Director Phil Serra**

Mr. Serra reported that the city currently taxes phone services for land-lines at the rate of 5% a month, which generates \$150,000 in revenue each year. State Law also authorizes localities to tax cellular phones at a rate of 10% of the first \$30.00 charge, on both private and businesses cell phones. Many neighboring localities already impose this tax. More and more people are converting from landline phones to cellular. The revenue would be tied to the number of cell phones in the city.

Mr. Houghland favored this user tax, and questioned whether the city could impose the 911 charge on cell phone service, as it does on landlines. Mr. Haulman said Council should look at this tax as a possible revenue source as technology changes.

### **Stormwater Utility Tax—Public Utilities Director Dan Clayton**

Mr. Clayton reported that State Code authorizes cities to establish Stormwater utility management programs. Establishment of a Stormwater utility fee is involved because the Stormwater utility fee is based on each customer's stormwater runoff to the storm system. Should the city choose to impose the utility fee, each property would have the amount of runoff assessed, at a cost of approximately \$70,000.

Council members discussed the utility fee. Mr. Houghland commented that it would be very complicated to figure the cost per household. Mr. Scruggs was of the opinion that this was not a viable revenue source and should be included as part of the infrastructure, included in property tax. Mr. Haulman appreciated staff's work on this, but agreed with Mr. Scruggs. Mayor Zeidler commented that jurisdictions implement these programs for good reason—usually because of fiscal stress. Council will look at revenue and costs at budget time. Perhaps Council should consider looking at the property tax rate when considering revenue sources.

### **“Insurance Only” Billing for EMS—Chief T.K. Weiler**

Chief Weiler reported that many jurisdictions across the county, and many locally, charge for EMS service. The charges would be billed directly to Medicare and Medicaid, but not the patient. The city has 2200 to 2800 EMS call per year for tourists, workers, and residents. EMS care has greatly improved and become more specialized, requiring more training, which is costly. Equipment is also expensive. In addition to Medicare and Medicaid, private insurance carriers will also cover EMS fees.

Council members discussed charging for service. The Mayor noted that when the hospital moves to York County, it is inevitable that costs will increase. She thanked Mr. Tuttle and staff for putting together this presentation and discussion.

Mr. Phillips clarified for Council that if they want to consider an increase in a utility tax, a separate public hearing must be held according to State Statute, and any other increase fees could be advertised under the same cover as the budget public hearing ad.

### **PREVIEW OF CITY COUNCIL MEETING –February 13, 2003**

Council members received a copy of the agenda, but no additional information was requested.

Goals and Initiatives for the 2002-2004 Biennium: Council members were pleased with the new design and format for the Goals. Mr. Tuttle commended Jodi Miller and City Manager's staff for their work on the document.

### **SCHEDULE OF MEETINGS—February 2003**

Council members received a copy of the February meeting calendar.

### **OPEN FORUM**

Mayor Zeidler opened the session for public comment. No one wished to speak. The session was closed.

Mr. Tuttle welcomed student James Westmoreland of Jamestown High School, who was mentoring with Mayor Zeidler and Jodi Miller. The meeting adjourned at 4:15 p.m.

City Council Work Session  
February 10, 2003

Approved: March 13, 2003

**Shelia Y. Crist, Clerk of Council**

**Jeanne Zeidler, Mayor**